

井 9

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Confirmation No.: 1059

RAMKRISHNA PRAKASH
DAVID M. ABMAYR
JEFFREY H. HILLAND
JAMES FOUTS
SCOTT C. JOHNSON
WILLIAM F. WHITEMAN

Filed: December 31, 2001

Art Unit: 2151

Serial No.: 10/039,125

Examiner:

For: ARCHITECTURAL BASIS FOR
THE BRIDGING OF SAN AND
LAN INFRASTRUCTURES

Docket No.: H052617.1136US0

PETITION PURSUANT TO 37 C.F.R. § 1.47(a)

BOX MISSING PARTS

Commissioner of Patents
Washington, D.C. 20231

Dear Commissioner:

Pursuant to 37 C.F.R. § 1.47(a), Applicants' hereby petition the Commissioner for entry of the attached Declaration signed by four (4) of the six (6) co-inventors in the above-identified patent application. Four (4) of the six (6) co-inventors have signed the Declaration and the Assignment conveying their interests to Compaq Information Technologies Group, L.P. ("CITG"). The fourth co-inventor, Mr. James Fouts is believed to still be employed by CITG, however, after several attempts to contact him, he has not responded to execute the Declaration. The fifth co-inventor, Mr. Scott C. Johnson, has not been employed by CITG

09/11/2002 HBERHE 00000001 162435 10039125

02 FC:122 130.00 CH

since at least August 1999, and after exhausting all available efforts, has not been located to execute the Declaration and Assignment.

Pertinent Facts

Attached hereto as **Exhibit A** is the Declaration of Rochelle M. Pleasant, Prosecution Paralegal for the undersigned, which sets forth the following pertinent facts in support of this petition. Mr. Fouts is still believed to work for CITG, but has not returned the undersigned's emails or telephone calls (please see Exhibit A). Mr. Johnson is no longer employed by CITG and has not been found after diligent searches and attempts have been made.

LAST KNOWN ADDRESSES

The last known addresses for Mr. Fouts and Mr. Johnson are:

Residence Address: James Fouts
514-176 Lane N.E.
Bellevue, Washington 98008

Work Address: James Fouts
Hewlett-Packard Company - NW
14475 NE 24th Street
Bellevue, Washington 98007

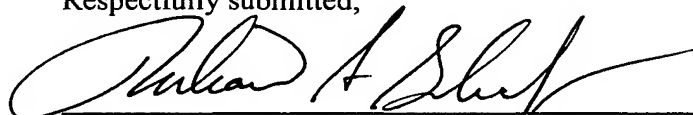
Residence Address: Scott C. Johnson
3612 Galena Hills
Round Rock, Texas 78681

Work Address: Scott C. Johnson
(Unknown)

Consequently, Applicants' petition the Commissioner for entry of the Declaration signed by four (4) of the six (6) co-inventors in the above-identified patent application. Pursuant to 37 C.F.R. § 1.17(h), the Commissioner is hereby authorized to charge the amount of \$130, along with any additional fees that may be required for the entry of this Petition and attached Declaration, to our Deposit Account No. 16-2435. A duplicate copy of the Fee

Transmittal is enclosed for your convenience. If the Examiner has any questions, he is requested to contact David R. Clonts at (713) 220-5800.

Respectfully submitted,



Richard A. Schafer, Reg. No. 45,078
ATTORNEY OF RECORD

Date: 9/6/2002
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
711 Louisiana, Suite 1900
Houston, Texas 77002
Telephone: (713) 220-5800
Facsimile: (713) 236-0822



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	Confirmation No.:	1059
	§		
RAMKRISHNA PRAKASH	§		
DAVID M. ABMAYR	§		
JEFFREY H. HILLAND	§		
JAMES FOUTS	§		
SCOTT C. JOHNSON	§		
WILLIAM F. WHITEMAN	§		
	§		
Filed: December 31, 2001	§	Art Unit:	2151
	§		
Serial No.: 10/039,125	§	Examiner:	
	§		
For: ARCHITECTURAL BASIS FOR	§	Docket No.:	H052617.1136US0
THE BRIDGING OF SAN AND	§		
LAN INFRASTRUCTURES	§		

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF ROCHELLE M. PLEASANT

I, Rochelle M. Pleasant, declare as follows:

1. I am over the age of 18 years of age and am fully competent to make this declaration. I am a prosecution paralegal in the firm of Akin Gump Strauss Hauer & Feld LLP, the designated attorneys of record by Compaq Information Technologies Group, L.P. ("CITG") in the above-identified patent application, as reflected by the Power of Attorney executed by Marcella Barboza, Patent Administrator for CITG, assignee of the interests of co-inventors Ramkrishna Prakash, David M. Abmayr, Jeffrey H. Hilland, James Fouts, and William F. Whiteman. Unless otherwise indicated, I have personal knowledge of the facts set forth herein.
2. On December 31, 2001, the above patent application was filed with the Patent Office.
3. On or about February 13, 2002, the docketing department of our firm received the Patent Office's Notice of Missing Parts in the above-identified patent application.
4. On April 3, 2002, I transmitted an email to CITG enclosing a Declaration, Assignment, and Power of Attorney by Assignee for execution by all inventors.

5. On April 5, 2002, I attempted to contact Mr. Scott C. Johnson at his last known home telephone number of 512-310-9311, and received a recording stating that the telephone number I dialed was disconnected. I then called directory assistance in Houston, Austin, Dallas, and Round Rock areas in an attempt to locate Mr. Scott C. Johnson, to no avail. Further, I performed an Internet search on www.theultimatewhitepages.com (a searchable website using five different search engines), and after contacting some of the Scott C. Johnson's listed in Texas, was not able to locate the Scott C. Johnson who used to be employed by CITG.

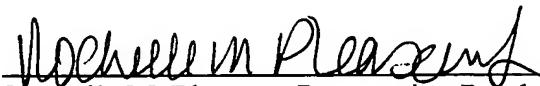
6. On April 26, 2002, Mr. James Fouts returned my telephone call and acknowledged receipt of the Declaration and Assignment, along with a complete copy of the patent application as filed with drawings which I faxed to him that same day.

7. On or about May 3, 2002, Mr. Fouts faxed to our office the executed Assignment. I contacted Mr. Fouts upon receipt of the fax and asked him to please sign and return the Declaration, which was missing from his fax, and he acknowledged he would sign the Declaration and fax it over. To this date, the undersigned has not received the signed Declaration.

8. On or about August 1, 2002, the undersigned's office received the Notice of Incomplete Reply mailed July 24, 2002. After a review of the July 8, 2002 filing, I contacted Mr. Fouts and left him a detailed voicemail message at CITG and his residence requesting that he execute and return the Declaration. Since that date, several voicemail messages were left at his residence and work, and emails were sent to Mr. Fouts up until the day of filing this Declaration in support of the Petition. Mr. Fouts has not returned any of the undersigned's telephone messages or emails.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 9-6-2002


Rochelle M. Pleasant, Prosecution Paralegal
Akin Gump Strauss Hauer & Feld LLP